

rails or planks of which the fence may be built shall be such as is usual in the construction of fences of this kind, and all brush fences made upon the surface of the ground shall be at least four feet high, and all brush fences made upon an embankment of earth thrown up upon the ground shall be at least three feet high, the embankment, nevertheless shall be eighteen inches high; if any live stock of any kind or description whatever shall break into any person's enclosure, the enclosure of which shall be fences of the above description and proportions, then the owner of such live stock shall be liable to make good all such damages to the owner of such enclosures as shall be found and awarded by two or more judicious persons, to be appointed by a justice of the peace of the district where the enclosure so trespassed upon shall be located, which said persons shall view the place after having been sworn to value and assess the damages truly as they shall to them appear; and after having so viewed the damages and assessed the same, under oath, they shall make return thereof before the justice of the peace by whom they were appointed, and then said damages shall be recovered in the same manner that is prescribed by law for the collection of other judgments upon the docket of a justice of the peace; provided nevertheless, that upon the trial thereof before a justice of the peace, for the damages, at the instance of either the plaintiff or defendant, it shall be the duty of the said justice of the peace to issue a subpoena for such witnesses as either plaintiff or defendant may require.

1898, ch. 393.

**189.** That part of Tangier district which lies north of the thoroughfare, and is commonly called Rock Creek, is hereby exempted from the operation of section 188, and in said portion of the district every person shall be answerable for his own live stock and responsible for its safe keeping, and it shall not be allowed to trespass beyond the premises of its owner.

1920, ch. 90.

**190.** On and after June 1, 1920, every person in Deal's Island, Somerset County, shall be answerable for his own livestock and responsible for its safe keeping, and said livestock shall not be allowed to trespass beyond the premises of its owner.

P. L. L., 1888, Art. 20, sec. 109. 1878, chs. 256 and 445. 1884, ch. 144.  
1886, chs. 268 and 418.

**191.** When joint fences have been, or may hereafter be established in the districts hereinbefore mentioned, for the mutual benefit of different owners or possessors of adjoining lands, it shall be the duty of each party to keep in good repair his joint properties, respectively, thereof, to wit: all fences of whatever kind shall be four feet high at least, the highest in every case to be computed from the ground upon which the fence rests, to the top of the upper rail, whether the fence be placed upon the level earth or upon an embankment.